**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

ADVANCEME, INC., *Plaintiff,* **v.** **RAPIDPAY LLC, BUSINESS CAPITAL CORPORATION, FIRST FUNDS, LLC, MERCHANT MONEY TREE, INC., REACH FINANCIAL, LLC, and FAST TRANSACT, INC. d/b/a SIMPLE CASH,** *Defendants.*	§ § § § § § § § § § § § §	**CASE NO. 6:05-CV-424 LED**

JOINT MOTION TO AMEND THIS COURT'S JANUARY 26, 2007 AMENDED DOCKET CONTROL ORDER (D.E. 201) AND TO EXTEND DUE DATES RE: DEFENDANTS' MOTION FOR PARTIAL SUMMARY JUDGMENT (D.E. 215)

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now, Plaintiff ADVANCEME, INC. (hereinafter "Plaintiff" or "AdvanceMe"), and Defendants FIRST FUNDS, LLC, MERCHANT MONEY TREE, INC. and REACH FINANCIAL, LLC (hereinafter collectively referred to as "Defendants"), to bring this Joint Motion to amend the Court's January 26, 2007 Amended Docket Control Order (D.E. 201) as follows:

CURRENT DEADLINE	REQUESTED DEADLINE	ACTION
March 23, 2007	April 2, 2007	Parties May Designate Rebuttal Expert Witnesses. Rebuttal Expert Witness Reports Due (non-construction issues). Refer to Local Rules for required information.
April 6, 2007	April 11, 2007	**Discovery Deadline for Expert Witnesses.**

Dockets.Justia.com

March 30, 2007	April 13, 2007	**Dispositive Motions Due** from all parties and any other motions that may require a hearing (including *Daubert* motions); Motions for Summary Judgment shall comply with Local Rule CV56.

The parties agree that additional time is needed for Plaintiff and Defendants to complete expert discovery, for Plaintiff's and Defendants' experts to prepare their rebuttal expert reports, and to prepare for trial of this action. Accordingly, the foregoing extensions are not sought for purposes of delay or any other improper purpose.

In addition, the parties agree that Plaintiff and Defendants need additional time to complete briefing in connection with Defendants' recently-filed motion for partial summary judgment (D.E. 215). Accordingly, the parties agree that Plaintiff's Opposition to Defendants' motion for partial summary judgment will be due on April 2, 2007 (5:00 p.m. C.S.T.), that Defendants' reply in support of its motion for partial summary judgment will be due on April 13, 2007, and that AdvanceMe's Sur-reply in support of its opposition to Defendants' motion for partial summary judgment will be due on April 20, 2007. Again, the foregoing extensions are not sought for purposes of delay or any other improper purpose.

Date: March 22, 2007

Respectfully submitted,

By: */s/Robert C. Matz*

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CERTIFICATE OF CONFERENCE

The undersigned hereby certifies that counsel for Plaintiff and Defendants met and conferred and counsel for Plaintiff and Defendants agreed on the contents of this Joint Motion to Amend the Court's January 26, 2007 Amended Docket Control Order (Docket Entry 201) and to Extend Due Dates re: Defendants' Motion for Summary Judgment (D.E. 215).

/s/ Robert C. Matz
Robert C. Matz

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by facsimile transmission and/or first class mail this 22nd day of March, 2007.

/s/ Robert C. Matz
Robert C. Matz